

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 63-32061

Priority: January 25, 2005

Maximum Diversion Rate: 5.00 CFS

This is to certify, that AVIMOR LLC  
485 E RIVERSIDE DR STE 300  
EAGLE ID 83616

has applied for a permit to appropriate water from:

**Source:** GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	5.00 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SW¼SW¼ Sec. 8, Twp 05N, Rge 01E, B.M. ADA County  
GROUND WATER SW¼NW¼ Sec. 9, Twp 05N, Rge 01E, B.M. ADA County  
GROUND WATER SE¼NW¼ Sec. 18, Twp 05N, Rge 01E, B.M. ADA County  
GROUND WATER SE¼NW¼ Sec. 13, Twp 05N, Rge 01E, B.M. ADA County

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2013**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Ground water discharged to a subsurface system must be authorized by a separate injection well permit. At the time of permit approval, reinjection of water diverted under this permit into the ground water is authorized at the following well locations and by the associated injection well permits: NWSESE, Section 1, T5N, R1E (injection well permit no. 63W208001); NWSESE, Section 1, T5N, R1E (injection well permit no. 63W208002); and NWSWSE, Section 6, T5N, R2E (injection well permit no. 63W208003).
6. The water bearing zone to be appropriated is from 200 feet to 1,000 feet.
7. The place of use is within the area served by the public water supply system of Avimor, LLC for use within the Spring Valley Ranch. The place of use is generally located within Sections 1, 12, 13, and 24, T5N, R1E; Sections 5-7, 17, 18, and 20, T5N, R2E; Section 36, T6N, R1E, B.M., and Sections 31 and 32, T6N, R2E.
8. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.

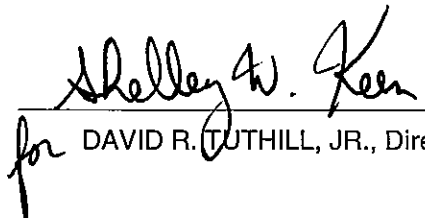


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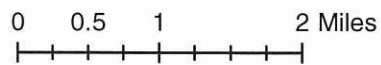
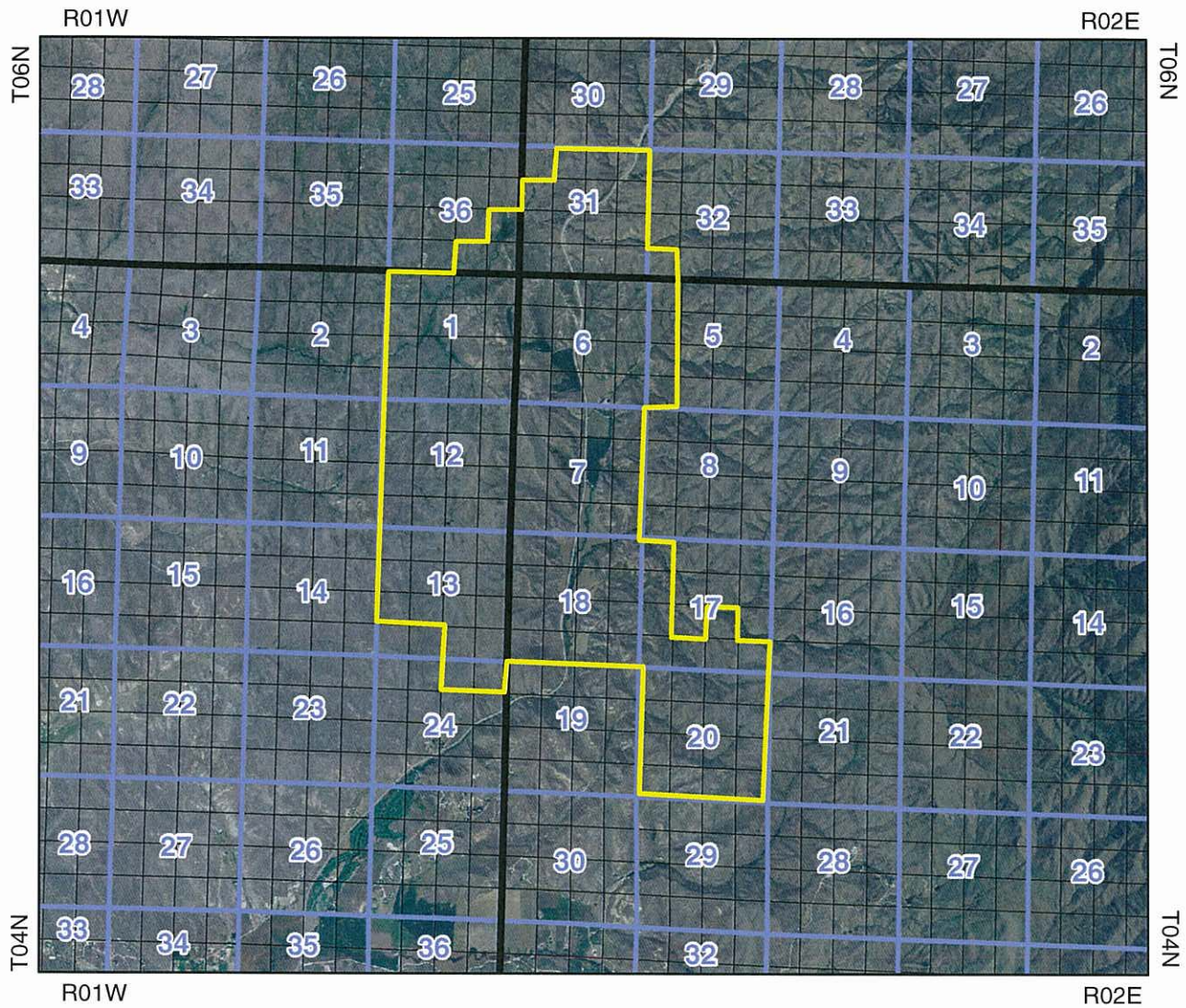
9. Use of water under this water right may be affected by a private agreement between Avimor (or its predecessor SunCor) and the North Ada County Foothills Association in connection with an agreed upon water level monitoring program.
10. Water diverted under this right shall not be provided for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
11. The right holder shall fully utilize treated waste water for irrigation purposes on all common areas, including parks, playgrounds, golf courses and other similar areas, prior to applying any water under this right to such common area parcels. This condition shall not apply to small isolated common area parcels for which connection to the waste water reuse system is not feasible. The right holder shall provide the Department with a schematic of the waste water reuse system identifying any small isolated common area parcels for which the right holder requests this condition not apply.
12. Water diverted under this right may be used for direct irrigation of up to one-half ( $\frac{1}{2}$ ) acre per residential lot upon which a home has been constructed.
13. Water used for recharge under this right and rediverted under right 63-31966 for irrigation use on common areas is subject to the condition that where feasible treated waste water shall be used first on these common areas as required by Condition 11.
14. Prior to diversion of water under this right, the permit holder shall prepare and submit an ongoing monitoring and data submittal plan, acceptable to IDWR, to demonstrate that the ground water diverted from authorized points of diversion is tributary to the Payette River drainage.
15. Prior to diversion of water under this right, the permit holder shall provide a means of measurement, acceptable to IDWR, from all authorized points of diversion which will allow determination of the total rate of diversion and volume of water diverted.
16. Prior to or at the time of submitting a proof of beneficial use statement for municipal water use under this right, the permit holder shall provide IDWR with documentation showing the water supply system is being regulated by the Idaho Department of Environmental Quality as a public water supply system and that the permit holder has been issued a public water supply system number.
17. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 6<sup>th</sup> day of October, 2008.





  
for DAVID R. TUTHILL, JR., Director



State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
63-32061  
Water Service Area Boundary for Avimor LLC  
October 07, 2008



**Legend**

-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

